



Customized PTO/SB/21 (04-07)

TRANSMITTAL FORM (for all correspondence after initial filing)	Patent #	7,242,133
	Issue Date	July 10, 2007
	Application #	10/511,207
	§ 371 Filing Date	May 20, 2005
	Confirmation #	6466
	First Inventor	BEITIA
Total number of pages in this submission =	Docket #	P08411US00/DEJ

ENCLOSURES (check all that apply)	
<input checked="" type="checkbox"/> Fees calculated below <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> including Attachment(s) <input type="checkbox"/> After Final Amendment/Reply <input type="checkbox"/> including Attachment(s) <input type="checkbox"/> Extension of Time Petition <input checked="" type="checkbox"/> Request for Certificate of Correction	<input type="checkbox"/> Reply to Missing Parts/Incomplete Application <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> <input type="checkbox"/>

FEES CALCULATION: For claims if required and/or other fees as shown below:					
	NOW	Previously Paid For	Present Extra	Rate	\$
<input type="checkbox"/> TOTAL CLAIMS	4	- 20		X \$ 50 =	
<input type="checkbox"/> INDEPENDENT CLAIMS	4	- 4		X \$ 200 =	
TOTAL OF ABOVE CLAIMS FEES =					
<input type="checkbox"/> Reduction by ½ for small entity status of applicant					
SUBTOTAL =					
<input type="checkbox"/> Fee for extension of time (per attached Petition)					
<input checked="" type="checkbox"/> Other fee for Certificate of Correction					100
TOTAL OF ALL FEES =					100

☒ Payment by credit card. FORM PTO-2038 in the amount of \$100 is attached.

- ☒ The Director is authorized to charge any fee, additional fee or extension fee due in connection herewith to Deposit Account No. 12-0555:
- (1) if no payment or an insufficient payment is enclosed and a fee is due in connection herewith; or
 - (2) if no petition for extension of time is enclosed but an EOT is required - and in this event, applicant hereby petitions under 37 CFR 1.136(a) for an extension of time of as many months as are required to render this submission timely.

Date: August 7, 2007

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Certificate

AUG 10 2007

of Correction
AUG 10 2007



**REQUEST FOR
CERTIFICATE OF CORRECTION
- APPLICANT MISTAKE**

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Commissioner for Patents
Office of Patent Publications
ATTN: Certificate of Correction Branch
P.O. Box 1450
Alexandria, VA 22313-1450

S I R:

During prosecution of this application, a clerical error was made by applicant in claim 2; which error was then repeated in new claim 4 claiming the same subject matter of the error of claim 2 (and most of the remainder of claim 2). It will be noted that there is also a minor printing error, which was the fault of the Patent Office, which is present in the same location. These three errors will thus be discussed in detail below.

APPLICANT'S ERRORS

The following two (though really the same) clerical errors, the fault of applicant, occurred in the Amendment filed March 5, 2007 in the claims listing (Attachment B).

Error 1.

Dependent Claim 2 was amended, in relevant part d) and e) (see lines 19-30 of the issued patent), as follows:

d) a crystalline material of cubic structure other than silicon,
i) cut in the [111] plane ~~(silicon-excluded)~~, the resonator then
exhibiting material-based frequency isotropy in the 2nd-order vibration
mode, or

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ii) cut in the [001], ~~[100] (silicon excluded)~~ or [010] planes, the resonator then exhibiting material-based frequency isotropy in the 3rd-order vibration mode, and

e) a crystalline material of cubic structure cut in the [100] plane, the resonator then exhibiting material-based frequency isotropy in the 3rd-order vibration mode.

This claim change was made to more clearly recite the claimed subject matter, but with no intended change in substance (and hence clearly no new matter). Thus, it will be noted that the phrase "other than silicon" was added at the beginning of part d), and consistent therewith the previous inferential recitation "(silicon excluded)", was deleted at two locations in part d). By doing this, part d) was then intended to retain the "silicon excluded" subject matter of plane [111], then set forth separately in part d)i); and likewise to retain the "silicon excluded" subject matter of plane [100] in part d)ii). The planes [001] and [010], not having the recitation "(silicon excluded)", were then intended to be rewritten in new part e); with new part e) being necessitated since planes [001] and [010] were excluded by the "other than silicon" recitation now inserted at the beginning of part d).

The clerical error which occurred was thus in part d)ii), where "[100]" was inadvertently canceled rather than "[001]" and "[010]" (but note, the "silicon excluded" following "[100]" was correctly deleted); and then the listing of the incorrectly canceled plane [100] in part e) rather than planes [001] and [010]. Thus, the correct amendment would have been (the changes from the above incorrect amendment being shown in grey highlight):

d) a crystalline material of cubic structure other than silicon,
i) cut in the [111] plane ~~(silicon excluded)~~, the resonator then exhibiting material-based frequency isotropy in the 2nd-order vibration mode, or

ii) cut in the ~~[001], [100]-(silicon-excluded) or [010]~~ planes, the resonator then exhibiting material-based frequency isotropy in the 3rd-order vibration mode, and

e) a crystalline material of cubic structure cut in the ~~[100]~~ [001] or [010] planes, the resonator then exhibiting material-based frequency isotropy in the 3rd-order vibration mode.

It will be noted that the intended/correct changes were asserted in the Remarks section as having been made, and the correct changes were argued for patentability. Thus, no further examination is required. Evidently, neither the examiner nor applicant appreciated the clerical error(s) which had been inadvertently and self-evidently made.

Error 2.

As also noted in the Remarks section of the Amendment, both independent claim 1 and dependent claim 2 were rewritten without the "other than silicon" parts (or old "(silicon excluded)" language and associated recitations) as new independent claim 3 and dependent claim 4. However, because of the clerical error of claim 2, new claim 4 likewise included the same error of part e) of claim 2, but now part d) of claim 4 since part d) of claim 2 was omitted from new claim 4. Thus, new claim 4 inadvertently recited (like part e) of claim 2):

d) a crystalline material of cubic structure cut in the [100] plane, the resonator then exhibiting material-based frequency isotropy in the 3rd-order vibration mode.

But without the same clerical error, or as noted above as part e) of claim 2 should have recited, part d) of claim 4 should have recited (again, the changes from the incorrect amendment are shown in grey highlight):

d) a crystalline material of cubic structure cut in the ~~[100]~~ [001] or [010] planes, the resonator then exhibiting material-based frequency isotropy in the 3rd-order vibration mode.

Again, the above change was alleged to have been made in the Remarks section, and neither the examiner nor applicant appreciated the clerical error which had been inadvertently and self-evidently made.

PATENT OFFICE ERROR

Error 3.

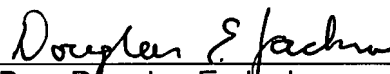
In printing the patent, in claim 2, part e), the plane is recited as "[1001]", rather than "[100]" (see the portion of claim 2 above with this recitation), which was probably just a scanning error. It will be appreciated that the attached Certificate of Correction corrects claim 2 of the patent with this error as well.

In view of the above, issuance of the attached Certificate of Correction, correcting the above noted self-evident clerical errors and the noted scanning error, is solicited.

The fee of \$100 for a correction of applicant's mistake set forth in 37 CFR 1.20(a) is provided herewith.

Respectfully submitted,

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2007

**UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION**

Page 1 of 1

PATENT NO. : 7,242,133
APPLICATION NO.: 10/511,207
ISSUE DATE : July 10, 2007
INVENTOR(S) : Beitia

It is certified that an error appears or errors appear in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

Column 5, line 51: change "[001], or [010] planes" to--[100] plane--.

Column 6, line 2: change "[1001] plane" to--[001] or [010] planes--.

Column 6, line 49: change "[100] plane" to--[001] or [010] planes--.

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RECORDED & INDEXED
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